

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
863-7288
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The Council meeting of the Borough of Wind Gap on Monday, August 4, 2014, was called to order at 7:30 p.m. by Council President, George Hinton, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: Jon Faust, David Valley, Tony Curcio, Joe Weaver and Dave Hess. Also in attendance were Mayor James Shoemaker, Borough Solicitor, Martino and Karasek, Attorney Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone. Absent was Councilman Kerry Gassler.

PUBLIC COMMENT

No one appeared before Council at this time.

APPROVAL OF MINUTES

On motion by Tony Curcio to approve the minutes of the July 14, 2014 Council meeting and seconded by Jon Faust. Roll call vote taken. In favor: T. Curcio, J. Faust, D. Hess, G. Hinton, D. Valley. Abstained: J. Weaver. Motion carried with a vote of 5-0-1.

APPROVAL OF EXPENSES

On motion by David Valley to approve the expenses for the month of July 2014 in the amount of \$61,774.00 and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

Joe Weaver asked for the final cost of the renovations associated with the new building upon completion of the project. George explained that a major unforeseen expense was the heating and cooling. The new heating and cooling units were actually a benefit because the units are new and energy efficient and they are guaranteed for ten (10) years. During the installation prior to the completion of the renovations eliminates the need to tear up walls and ceilings in the near future if the old units failed after the building is occupied. David Valley asked if there is a move in date. George replied that because the Borough took on the responsibility of acting as the general contractor, in an effort to save money, it has taken a little longer. The project could have been done faster, but it would ultimately have cost a lot more money. The Borough has purchased all the necessary materials for the project, and then had to find contractors willing to bid and do the job for labor only.

SOLICITOR'S REPORT

Ronold Karasek reported that all the matters being handled by the law office for the Borough during the month of July are outlined in a report. The report includes the meetings attended as Borough Solicitor.

Subdivision Matters: N/A.

Land Development Matters: N/A.

Zoning and Other Land Use Matters: Preparation Review of Final Checklist of Floodplain Ordinance Provisions with enclosure e-mail transmission to L. Rhoads, PA DCED Representative and Floodplain Reviewer attaching Borough Ordinance No. 486 - Floodplain Ordinance.

Comprehensive Telephone Conference with Borough EIT B. Pysher, Review of Several Zoning Ordinance provisions and follow-up e-mail transmission from B. Pysher re: BRD Noise and Vibration Control - Special Exception Use and Response.

Developments on Outstanding Litigation: Receipt, Review and Administration of several e-mails, several Telephone Conferences with Borough Police Chief and Opposing Counsel (obo Dalmatian Fire Company, Inc.) and Receipt, Review and Administration of Signed Installment Judgment Note and Affidavit by J. Duerr re: Dalmatian Fire Equipment, Inc. Collection Claim vs. Wind Gap Fire Company.

Court Decisions on Borough Cases: N/A.

Miscellaneous:

Receipt, review and administration of Request for Proposals for Borough Park Master Site Plan with Attachments (including Borough - Consultant Contract and e-mail transmission with Suggested Revisions to Contract).

Preparation of Monthly Preparation of Monthly Solicitor's Report.

Review various correspondence, e-mails, prepare letters and make and receive telephone calls.

Outstanding Items:

Home Occupation, Clear Site Triangle (and related) Zoning Ordinance Amendments.

Stop Sign Ordinance

Dog Park Ordinance

Fire Company Ordinance

Dentith storm water counterclaim (filed in response to Borough's injunction lawsuit and request for Borough's expenses) – no action taken and remains pending.

Ordinance for loitering, begging, and panhandling – pending but inactive.

Ordinance for reimbursement of equipment, materials and supplies in responding to environmental, hazardous, safety or rescue events (police, fire or both?) – pending but inactive.

He completed the Floodplain Ordinance and had it submitted by the deadline of July 16, 2014. Mr. Karasek reviewed the Request for Proposal (RFP) for the Park Master Plan. He spent time on the phone calls and e-mails regarding the Wind Gap Fire Company and the collection issue.

George confirmed that Mr. Karasek has not heard any response to the Borough's request for Mr. Goffredo to install a fence between the new municipal building property and Mr. Goffredo's property. Mr. Karasek confirmed the exact location of the fence and he will follow-up with Mr. Goffredo.

ENGINEER'S REPORT

Brian Pysher reported that all the ceramic tile, vinyl-coated tile, laminate flooring has been completed. The installer is currently working on the carpet installation. The interior doors have all been hung. The ceiling tile is almost done and two more lights have to be replaced. Brian stated that he is currently working on the sewer design to get in front of the Wind Gap Municipal Authority. A total of 18 cameras have been installed and the MVRs have been installed. The surveillance company is waiting for the Borough to install the computer server at the building so that they can install their software. Brian recommends that a representative from the Fire Company and the Ambulance Corps be trained on accessing video on the computers. The computer room will also house the fire alarm system which may have to be accessed to reset the system should a false alarm occur. The fire alarm is active, it is in test mode from 7:00 a.m. to 5:00 p.m., but between 5:00 p.m. and 7:00 a.m. it is a live system. There are heat detectors in the garage, so if they are accidentally tripped it will activate the alarm. George asked Jon if he would help educate the firemen to the heating tiles in the turnout room. Brian intends on installing a thermostat for the turnout room to turn on the heat and dry out any gear that is wet. He will be running a cable for a monitor for that room. The painting is almost complete. All the trim baseboard will be replaced downstairs.

David Valley asked if the enforcement letter that was sent to a property on Lincoln Street. Brian replied that the certified letter was just returned to the office unclaimed. He will follow up tomorrow with the Chief on how to proceed with the property.

COMMITTEE REPORTS

1. EMS – Kerry Gassler was absent. Joe Weaver had nothing to report.
2. Fire Company – Jon Faust reported that the Fire Company responded to 10 calls in the month of June for a total of 87 year-to-date. The Fire Company plans on burning the debris pile at the new building this week.
3. Zoning - Tony Curcio reported that the Zoning Hearing Board will meet August 20, 2014. Brian stated that the application is for a Special Exception for BRD Noise & Vibration. They want to put up an addition which would be an expansion of an existing non-conformity. He spoke to Attorney Karasek and according to the Borough's Zoning Ordinance it requires a Special Exception. The Planning Commission has to hear the request prior to the Zoning Hearing Board meeting. BRD will be at the Planning meeting next Thursday, August 14, 2014. The Zoning Hearing Board meeting will follow on August 20, 2014.
4. Planning – George Hinton reported that Planning Commission will meet on Thursday, August 14, 2014. Attorney Karasek asked if the Muschlitz plan had been reviewed. Brian replied that he had trouble getting a quorum for a planning meeting and the developer came to Council. George added that Muschlitz would clean up some issues on the plan and bring it back. Council granted Conditional Approval of the Preliminary Plan. It was Brian's understanding that the developer would be submitting a final plan to the Planning Commission possibly in September.
5. Municipal Authority – Joe Weaver reported that Municipal Authority employee William Beal retired. The Authority discussed the complaints related to their street openings when the holes are filled and patched and then later settle. They questioned at what point after a project has been completed will the Borough take responsibility of the street. The issue has always been whether the approved fill/materials are used during backfilling, if the material has been properly compacted and if the project is inspected upon completion. It seems that when a sinkhole appears and the Borough digs up the street, the fill material is not approved. Council discussed outlining repair responsibility depending on what material is found when a sinkhole or problem occurs in the street. Brian reported that the Borough has completed several storm sewer projects and never had to go back to a single project to deal with any street issues. The Municipal Authority Engineer inspects the pipe work and they claim he is there to inspect the backfill as well. Joe suggested that the Borough follows the procedures of the State when it comes to repairs. Joe will inform the Authority that the Borough feels that an engineer should inspect the work from start to finish. They can have their engineer do the inspection or they can reimburse the Borough to have the inspection done.

ZONING OFFICER - George reported that conversation has started among Plainfield Township, Pen Argyl and Wind Gap regarding the possibility of regional zoning officers in an effort to help defer the cost for each municipality. He asked for the feeling of Council whether this should move forward.

On motion by Jon Faust to sit down with Plainfield Township and Pen Argyl to discuss the feasibility of regional zoning officers and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

Joe suggested that with the new municipal building, the Borough could offer office space as part of our contribution to regional zoning.

6. Streets – Jon Faust reported the street activity for July was mowing and weedwacking Borough properties, cleaning out debris from storm drains, sawed cut for patching, cleaned up alley from washing out, paved alley off of First Street, put rails up for handicap ramp, dug out and stoned Alpha Road between Center and Delaware. They plan on paving Alpha Road tomorrow. It was agreed that Longcore Road should be done after Alpha Road is complete. George suggested talking to Mike Goffredo regarding a sliver his property in an attempt to straighten the hook out of Longcore Road. The idea is to put a top coat Longcore this year and save funding to properly repair the streets. The Mayor stated that Monday, August 25 school starts.

On motion by Joe Weaver to repair the intersection of Alpha Road and West Street and overlay Longcore Road and seconded by David Valley. Roll call vote taken. Motion carried unanimously.

7. Police - Mayor Shoemaker reported that the Police responded to 174 calls in the month of July, 13 animal complaints, 12 motor vehicle accidents were investigated, they issued 15 traffic citations and 2 parking tickets.

George asked if the Borough could position "Yield to Pedestrians" signs up by the Park. The Borough needs to paint designated crosswalks at each of the intersections. Council discussed painting a crosswalk at Third, Fourth and Fifth Street.

8. Park – David Valley reported that the Park Board does not meet in July. Desire played at the Park as part of the Summer Sounds Concert series and was attended by approximately 450 people. David received a call asking if a local organization could post an event on the sign at Third Street. It is Borough property and Council has authority over what is on the sign. If Council approves one organization, then everyone will want to put a message on the sign. Only Borough events will be advertised on that sign. Rich reported that the flag pole has been fixed and the flag has been up since last week.

9. 911 – Tony Curcio had nothing to report.

10. Tipping Fees - Tony Curcio reported that the Borough received the tipping fee check from Waste Management for the second quarter in the amount of \$47,970.12.

11. Municipal Building – Brian reported earlier in the meeting.

12. Regional Police – Dave Hess reported that the three municipalities supplied letters of support for the gaming grant. Wind Gap Park Board sent a letter of support to the regional police commission too. Dave suggested that Attorney Karasek and Louise start looking at current Borough ordinances that need repealed or changed because of a regional police department. He asked if the Civil Service Commission would need to be abolished by ordinance. The commission anticipates the regional police start-up date as January 1, 2 or 3, 2015. The new Chief will begin working full-time September 10, 2014. There is a Regional Police Department meeting tomorrow night.

13. Park Master Plan - Joe Weaver reported that the committee met last week to discuss some of points Attorney Karasek brought up during his review of the RFP. They are working to address any necessary legal points and hope to have this completed shortly.

MAYOR'S REPORT

Mayor Shoemaker reported that the Slate Belt COG is on summer recess. They will meet on Wednesday, August 27, 2014 at 7:00 p.m. The Alpha Road paving project is moving along and will be finished before school starts. He has received positive appreciation for the Summer Sounds.

NEW BUSINESS

There was no new business before Council at this time.

OLD BUSINESS

1. Attorney Karasek asked for clarification regarding the Muschlitz plan. Brian stated that no Planning Commission meeting was held on that plan. The Lehigh Valley Planning Commission (LVPC) provided a review letter on the Muschlitz plan.

On motion by Tony Curcio to adjourn the meeting of August 4, 2014. Council agreed unanimously. The meeting of August 4, 2014 adjourned at 8:47 p.m.

Louise Firestone, Borough Administrator